

We did this by compromise. We banned the raising of any foreign money and any fund-raising on government property. Now, it is not illegal to raise soft money from a foreigner, if they are not a citizen, because soft money is not viewed as campaign money. Therefore, it does not come under the statute.

Some could argue, and I am one, and we could have a disagreement, that raising soft money on government property, since it is not campaign money, does not come under the penalty. I realize others might disagree. But the bottom line is we came to a compromise in order to do these very significant things, and one of the things that did not make the compromise was the amendment suggested by my colleague, the gentleman from California.

So, we do need to defeat this amendment. I know that it has been offered in tremendous sincerity. I get down on bended knee and hope and pray that it is defeated, because it truly will blow apart a coalition of people who have sought to do something meaningful with campaign finance reform, and that is to restore integrity to the political process and to end the obscene amounts of money that we see in soft money, and to require those sham issues ads to be what they are, campaign issue ads.

Mr. Chairman, I yield back the balance of my time.

Mr. CALVERT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would say to my dear friend from California, I like his idea raising 100 percent of the money within the district. I recognize that that is probably not realistic, and so I believe that half of the money should be raised within the Congressional districts that Members represent.

We heard earlier that maybe not even 10 percent is an acceptable number. Well, what is an acceptable number? We know that there are people who run for Congress that 99 percent of their money is raised outside of their district. I do not think the American public agrees to that. As the gentleman from Connecticut knows, I came here six years ago almost and have been talking about this 50 percent provision since I came here to Congress.

I think most Americans believe that you should raise at least 50 percent of the money within your Congressional District. I do not think it is outrageous. I do not think there is anything wrong with this.

As far as a wealthy candidate running in a Congressional district, I would say that any of us would have a problem if we were running against a very wealthy candidate, any of us. But, saying that, I would accept a perfecting amendment that would waive the rule if a wealthy candidate gets involved in a campaign and spends, say, \$100,000, to take care of that problem. I recognize that.

But what we are talking about here is 50 percent of the money within the

district. I think it is reasonable. I think most people would expect folks to come back and raise money. It is difficult. None of us like going to all the fund raisers we need to go to back home, getting back home and putting together these events. It is a lot easier having an event here in Washington, D.C., or somewhere elsewhere where you can raise a significant amount of money. But this is, I think, an important responsibility.

I would hope that all Members would accept this amendment. I think it is the right thing to do.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. BARR of Georgia). The question is on the amendment offered by the gentleman from California (Mr. CALVERT).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. CALVERT. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 442, further proceedings on the amendment offered by the gentleman from California (Mr. CALVERT) will be postponed.

Mr. SHAYS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. CALVERT) having assumed the chair, Mr. BARR of Georgia, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2183) to amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for elections for Federal office, and for other purposes, had come to no resolution thereon.

#### MODIFICATION TO ORDER OF THE HOUSE OF FRIDAY, JULY 17, 1998, REGARDING FURTHER CONSIDERATION OF H.R. 2183, BIPARTISAN CAMPAIGN INTEGRITY ACT OF 1997

Mrs. LINDA SMITH of Washington. Mr. Speaker, I ask unanimous consent to go out of order, notwithstanding the order of the House agreed to on Friday last, and combine amendments listed as 40 to 45 into one, and make it as the next thing in order after the Calvert amendment, and that debate be limited to five minutes for and five minutes against the amendment.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

□ 2320

#### BIPARTISAN CAMPAIGN INTEGRITY ACT OF 1997

The SPEAKER pro tempore (Mr. CALVERT). Pursuant to House Resolution 442 and rule XXIII, the Chair declares

the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2183.

□ 2321

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2183) to amend the Federal Campaign Act of 1971 to reform the financing of campaigns for elections for Federal office, and for other purposes, with Mr. BARR of Georgia (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole House rose earlier today, the request for a recorded vote on the amendment by the gentleman from California (Mr. CALVERT) had been postponed.

Under the previous order of today, it is now in order to consider the amendment by the gentlewoman from Washington (Mrs. SMITH).

AMENDMENT OFFERED BY MRS. LINDA SMITH OF WASHINGTON TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE NO. 13 OFFERED BY MR. SHAYS OF CONNECTICUT

Mrs. SMITH of Washington. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mrs. SMITH of Washington to the Amendment No. 13 in the nature of a substitute offered by Mr. SHAYS of Connecticut:

In Section 301(20) of the Federal Election Campaign Act of 1971, as added by section 201(a) of the substitute, strike subparagraph (b) and add the following:

“(B) Voting Record and Voting Guide Exception—The term “express advocacy” does not include a communication which is in printed form or posted on the Internet that—  
“(i) presents information solely about the voting record or position on a campaign issue of 1 or more candidates, provided however, that the sponsor of the voting record or voting guide may state its agreement or disagreement with the record or position of the candidate and further provided that the voting record or voting guide when taken as a whole does not express unmistakable and unambiguous support for or opposition to 1 or more clearly identified candidates,

“(ii) is not made in coordination with a candidate, political party, or agent of the candidate or party, or a candidate's agent or a person who is coordinating with a candidate or a candidate's agent; provided that nothing herein shall prevent the sponsor of the voting guide from direction questions in writing to candidates about their position on issues for purposes of preparing a voter guide, and the candidate from responding in writing to such questions, and

“(iii) does not contain a phrase such as ‘vote for,’ ‘re-elect,’ ‘support,’ ‘cast your ballot for,’ ‘(name of candidate) for Congress,’ ‘(name of candidate) in 1997,’ ‘vote against,’ ‘defeat,’ or ‘reject,’ or a campaign slogan or words that in context can have no reasonable meaning other than to urge the election or defeat of 1 or more clearly identified candidates.”

In Section 301(8) of the Federal Election Campaign Act of 1971, as added by section 205(a)(1)(B) of the substitute, strike paragraph (D) and insert

"(D) For purposes of subparagraph (C), the term "professional services" means polling, media advice, fundraising, campaign research or direct mail (except for mailhouse services solely for the distribution of voter guides as defined in section 431(20)(B)) services in support of a candidate's pursuit of nomination for election, or election, to Federal office."

In Section 301(8)(C)(v) of the Federal Election Campaign Act of 1971, as added by section 205(a)(1)(B) of the substitute, add at the end thereof,

" , provided however that such discussions shall not include a lobbying contact under the Lobbying Disclosure Act of 1995 in the case of a candidate holding Federal office or consisting of similar lobbying activity in the case of a candidate holding State or elective office."

Mrs. LINDA SMITH of Washington (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentlewoman from Washington?

Mr. MEEHAN. Mr. Chairman, reserving the right to object, I just want to say that I am happy that the gentlewoman has agreed to work with us. I think that her amendment makes some important clarifications to the voter guide and safe harbor provisions in the bill. I know that I have worked with the gentlewoman, as the gentleman from Connecticut (Mr. SHAYS) has, for some time on campaign finance reform, and this is a good opportunity to take a number of the amendments, and as the gentlewoman knows, we have many, many amendments left to go in order to get the Shays-Meehan legislation passed.

So I thank the gentlewoman for her cooperation. Both sides of the aisle have looked at this. I think it is a good amendment.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentlewoman from Washington?

There was no objection.

The CHAIRMAN pro tempore. Pursuant to the order of the House of today, the gentlewoman from Washington (Mrs. LINDA SMITH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Washington (Mrs. LINDA SMITH).

Mrs. LINDA SMITH of Washington. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this actually is a group of amendments, all dealing with grassroots organizations' concerns. From liberal groups to conservative groups, they have been very, very concerned about their voter guides.

To begin with, it starts with clarifying some things that were never intended in the bill anyway. There was never an intention to restrict voter guides or individual grassroots lobbying, and yet some felt that this bill went across the line. To begin with, they wanted to be able to say, even if

one guy is running, we want to be able to put out a record on him. We believe we should be able to do that.

So they have graciously said, sure enough, that makes some sense, and so we will allow one. The original said there had to be two or more candidates to be able to put out a voter guide, so this is a step in the right direction.

The second thing that is very much a concern of the groups is that they cannot explain why they were for or against an issue. Now, the makers of the bill felt that they had taken care of this, but many groups did not. So this simply clarifies that they not only are able to, but it clarifies that they can explain their positions and cleans up that problem.

Another issue that they were concerned about is that possibly collecting information to build score cards might be considered coordination. These amendments make it clear that that is not the case.

There are some other things that were of concern of the groups, and they were worried that their grassroots lobbyists could be in trouble, that this could be a problem if they were lobbying elected officials on issues, and that that could qualify as coordination. This language says no, that was not meant to be considered as coordination, so it cleans that up, and so there is no problem with the grassroots groups lobbying now.

Then there was a section that was a little more difficult, that has a purpose, a very important purpose, and that is where one finds that there are coordinated efforts of groups, vendors, and actually it comes out in kind of ugly things. One finds TV ads and radio ads and all kinds of things happening, and it is supposed to be independent but it clearly is coordinated.

What this does is clarify that and makes it very clear that it is not meant to deal with voter guides; that we are making it real clear that voter guides are not a part of the problem, and so again, we have made it very clear in this amendment that we are not aiming at them and definitely not even trying to get close to them.

So with that, this clears up a lot of the problems with the voter guides; it clears up a lot of the problems that the grassroots groups had with being able to lobby and being restricted from their lobbying and goes a long ways, I would think, to alleviating some of their fears.

Mr. Chairman, I reserve the balance of my time.

Mr. SHAYS. Mr. Chairman, I ask unanimous consent to claim the 5 minutes in opposition to the amendment.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

The CHAIRMAN pro tempore. The gentleman from Connecticut (Mr. SHAYS) is recognized for 5 minutes.

Mr. SHAYS. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts (Mr. MEEHAN).

Mr. MEEHAN. Mr. Chairman, I thank the gentleman for yielding me the time. I do not think I need a minute, but paragraph small "i" at the end where it says, "candidates," I believe that there is a printing error and after the comma, it should be "and," as we go to each of the paragraphs.

Mrs. LINDA SMITH of Washington. Mr. Chairman, will the gentleman yield?

Mr. MEEHAN. I yield to the gentlewoman from Washington.

Mrs. LINDA SMITH of Washington. Mr. Chairman, if the gentleman would clarify which paragraph he is in.

□ 2330

Mr. MEEHAN. Small "I" at the end of that paragraph, I believe it should say "and."

Mr. CAMPBELL. Mr. Chairman, will the gentleman yield?

Mr. MEEHAN. I yield to the gentleman from California.

Mr. CAMPBELL. The word "and" appears after the second little "I." So we have a comma, "and." Under normal rules of construction, that is a conjunction not a disjunctive. So, I do not believe the gentleman's point is necessary. Of course, it would do no harm to add the word "and." But we have a comma after little 1, comma "and" after a little 2.

Mr. SHAYS. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I do so to recognize the contribution of the gentlewoman from Washington (Mrs. LINDA SMITH). The bottom line is that she has offered six amendments to deal with voter guides and advocacy because she is sincerely concerned that groups would be denied the opportunity to provide these voter guides.

Each of her amendments had some element of merit and in some cases we could have accepted the amendment in whole. But she has combined these six amendments and I think has dealt sincerely with the concerns that various groups have.

The bottom line is she has tried to perfect this legislation and made a tremendous contribution and I really appreciate the contribution of the gentlewoman to improve this bill and make it clear what the intention is of the supporters of this legislation. I am very grateful for her contribution.

Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. CAMPBELL). I do not know if I want to call him "professor," but I will call him "gentleman."

Mr. CAMPBELL. Mr. Chairman, I thank the gentleman from Connecticut (Mr. SHAYS), my friend, for yielding me this time.

Mr. Chairman, I join him in applauding the gentlewoman from Washington (Mrs. LINDA SMITH). From the first day that I met her, her concern was campaign finance reform and it continues to manifest itself in work such as this amendment.

In reading it, I would clarify the following points that I think are in its

favor: The phrase is now that in order to qualify, the commentary on a candidate's voting record can appear just by itself. They do not have to have another candidate. And it is all right, so long as it falls short of expressing unmistakable and unambiguous support for or opposition to that candidate.

And I emphasize that, because in our earlier debate on the amendment offered by the gentleman from California (Mr. DOOLITTLE), our colleague and friend, the question arose as to whether a voter advocacy group could say here is the position of candidates and we happen to agree with this position. And whether under the unamended version of Shays-Meehan that would have been acceptable was the point that was contested.

I do not believe that it is in doubt anymore if this amendment is accepted. That if it purely communicates accurate information as to the position of a candidate and falls short of saying "and for this reason vote for the person" or "for this reason we overwhelmingly support," in other words, if it falls short of unmistakable and unambiguous support, then it is indeed what it purports to be, a voter guide.

Mr. Chairman, I also note that the amendment offered by the gentleman from Washington is preferable to the one offered by our colleague from California in that it preserves the prohibition on coordination. If the organization in question has coordinated the entire voter guide with a plan to assist a candidate, then it is not a voter guide. It is a sham. The gentleman preserves that.

Lastly, she repeats the so-called magic words test, which is the starting point, but for many of us it is not sufficient to handle the area of potential abuse.

So with those observations, I am pleased to add my voice to those of the unanimous membership who is speaking on this bill in favor of the amendment offered by the gentleman from Washington.

Mrs. LINDA SMITH of Washington. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Chairman, first of all I want to say that this is an issue that I struggled with in our bill. I compliment the gentleman. I think this is a great improvement on existing law, because it clearly separates what is express advocacy.

Express advocacy under this definition is any time one gets out and says this is the record of a candidate and this record is evil, do not vote for this person. Or this is the record of an angel, please vote for this person. That is express advocacy. That will trigger that the people who publish such things will have to disclose where their money came from. It would have to be hard money.

That is the kind of thing that we have been saying that we need to do. If we just say this is a voter guide, we do

not agree with it. But you cannot say therefore vote against this person. That would be an example, because one does not advocate a position, as the gentleman from California (Mr. CAMPBELL) said in the gentleman's words, of unmistakable or unambiguous support for or in opposition to one or more candidates. So you clearly have drawn a line between what has been the problem, which is these kind of hit pieces that have come out that the candidate knows nothing about, even the opposition knows nothing about because they are independent of either, and have been expressing sort of evil actions based on a record. I think that you are commended because this makes a clear distinction.

Mr. SHAYS. Mr. Chairman, may I inquire as to how much time I have remaining?

The CHAIRMAN pro tempore. The gentleman from Connecticut has one minute remaining.

Mr. SHAYS. Mr. Chairman, I yield myself such time as I may consume.

I would just quickly say that the gentleman from Washington (Mrs. LINDA SMITH), and using the word "gentle" is sometimes a misnomer because she is extraordinarily strong, again has made a wonderful contribution to this process and has been a leader in campaign finance reform throughout the country. I thank her again for her contribution and would again yield my time to her to allow her to close.

Mrs. LINDA SMITH of Washington. Mr. Chairman, I yield myself such time as I may consume.

I thank the gentleman from Connecticut for his comments.

This particular area of campaign finance reform probably has had more objections, more confusion, than anything I have seen in my nearly 4 years in Congress. I do not think that this agreement or this amendment is going to make everyone happy but those that used to say we cannot even advocate our position of what we think is right in the voter guide, to them this is taking care of it. To those that do not want people to have any speech about what they think is a good position from their perspective, a group, to them they are not going to necessarily like it either.

The CHAIRMAN pro tempore. All time has expired.

The question is on the amendment offered by the gentleman from Washington (Mrs. LINDA SMITH), to the amendment in the nature of a substitute No. 13 offered by the gentleman from Connecticut (Mr. SHAYS).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mrs. LINDA SMITH of Washington. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore (Mr. CALVERT). Pursuant to House Resolution 442, further proceedings on the amendment offered by the gentleman

woman from Washington will be postponed.

Mr. DOOLITTLE. Mr. Chairman, during the course of debate on campaign reform, I have repeatedly voiced concern that the Shays-Meehan legislation, if enacted would threaten citizen participation in our democratic system.

Numerous provisions in Shays-Meehan restrict the right of the people to express their opinions about elected officials and issues through unprecedented limitations on text accompanying issue group voting records and restraints on citizen commentary prior to an election.

Why would any group of citizens distribute a voting guide or scorecard on a candidate when the Federal Election Commission (FEC) would be empowered to decide, after the distribution of the scorecard, whether it was written in an "educational" manner?

Why would a citizen's activist organization issue a "voter alert" to its supporters warning them to an upcoming vote in Congress, when they could be potentially fined for violating the burdensome "coordination" section of the bill?

Why would a group of citizens concerned about an issue like partial birth abortion or affirmative action run a television advertisement to try to influence the way their Member of Congress votes, when they could be fined for violating new free speech restrictions that are contained in the bill?

The Shays-Meehan bill contains a provision that prohibits non-citizens from contributing to campaigns. When you combine that provision with the amendment offered by Representative PICKERING, I believe political contributions by minorities would become suspect.

As a stand alone, the Shays-Meehan bill is patently unconstitutional on its face. It violates the First Amendment rights of all Americans. But it would be a mistake to compound those constitutional errors by somehow making suspect political contributions by Americans with non-western names. With these two amendments adopted, the threat to minority participation in our election process would compound the threat to freedom by the bill.

Mr. SHAYS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. CALVERT) having assumed the chair, Mr. BARR of Georgia, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2183) to amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for elections for Federal office, and for other purposes, had come to no resolution thereon.

CORRECTION OF CONGRESSIONAL RECORD OF JULY 16, 1998, PAGES 5719, 5720 AND 5721, DURING DEBATE ON H.R. 4104, TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1999

AMENDMENT OFFERED BY MR. SMITH OF NEW JERSEY

Mr. SMITH of New Jersey. Mr. Chairman, I offer an amendment.

The Clerk read as follows: